

IN RE: PETITION FOR SPECIAL HEARING \* LEFORE THE  
E/S Raphael Road, 275' N of \* DEPUTY ZONING COMMISSIONER  
Mt. Vista Road \* OF BALTIMORE COUNTY  
11th Election District  
5th Councilmanic District  
James F. Stadler, et al  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a golf course in an R.C. 5 zone, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by James F. Stadler, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petition were Joseph Larson with Spellman, Larson & Associates, Inc., and John C. Rohde, with Human & Rohde, Inc. Appearing as Protestants were Ken Holt, President of the Greater Kingsville Civic Association; Kevin Lindsey, and Charlotte Pine.

Testimony indicated that the subject property, zoned R.C.5, is located off of Raphael Road and Mt. Vista Road and consists of 102 acres. Testimony indicated that Petitioners recently purchased the property with the intention of developing it as a golf course. Prior to the hearing, Petitioners met with the members of the community on two occasions to attempt to incorporate their concerns. As a result, Petitioners revised the Petition to increase the landscaping, move the parking lot back from Raphael Road approximately 100 feet further, and to distance the driving range from Raphael Road. Said changes have been incorporated into a revised site plan which has been identified as Petitioner's Exhibit 1.

Petitioner James Stadler testified regarding the proposed use of the property as a golf course, consisting of an executive 18-hole course, privately-owned and open to the public, with hours of the driving range reduced from 6:00 AM to 11:00 PM to 6:00 AM to 9:00 PM to meet the concerns of the neighborhood. Mr. Stadler testified that the club room would contain the pay gate for use of the driving range, vending machines, pro shop, and lavatory facilities. Mr. Stadler testified that there were no plans for a lighted golf course, however, Petitioners are desirous of lighting the driving range when necessary up to 9:00 PM. Petitioner testified in his opinion the proposed use was in keeping with the concerns of the neighborhood.

Joseph Larson, an engineer, testified regarding his firm's preparation of the site plans identified as Petitioner's Exhibits 1 and 2. He testified as to the reasons for the changes which incorporated the community's concerns which are set forth in Petitioner's Exhibit 5. Mr. Larson testified in his opinion the proposed use of the property fully complies with all the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

John Rhode, a landscape architect, testified as to the proposed landscaping of the property around the parking facilities. To support Petitioner's proposed plans, Petitioner's Exhibit 6 was introduced.

Ken Holt testified in opposition on behalf of the Kingsville Civic Association. He indicated their concerns included the proposed lighting of the driving range and its adverse effect on the adjoining property owners. He further indicated that if lighting was permitted, the community strongly felt the lights should be extinguished by 9:00 PM. Testimony further indicated that the neighbors were in favor of the revisions set forth in the site plan marked Petitioner's Exhibit 5 which moves the property line 100 feet off of Raphael Road in contrast to the original proposal. He further indicated that the neighbors would like to see the proposed use a minimum of 300 feet away from the street, if at all possible. The Association is further desirous of having the parking lot locked after hours to prevent loitering which would be detrimental to the neighborhood. The community's concerns also dealt with Petitioners' compliance with requirements regarding proper watering and fertilizing of the property to insure no adverse affect upon neighboring streams. Mr. Holt concluded by saying the community was in favor of the proposed golf course in principle as they see it as a benefit to the community; however, they believe restrictions should be imposed to address their concerns.

Mr. Lindsey, a property owner directly across from the proposed parking lot, adamantly opposed the lighting of the driving range. In addition to the concerns raised by Mr. Holt, Mr. Lindsey is concerned about the landscaping and buffering of the property along Raphael Road. Ms. Pine, a resident approximately 5 miles from the area, expressed many concerns, including but not limited to, the lighting of the driving range, the location of the driving range, placement of the golf holes, and the commitment of Petitioners to leave the existing wooded area as open space in the event the locations of the golf holes were not spread out further into that area.

It is clear that the B.C.Z.R. permits the use proposed in a R.C.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

Mr. Holt testified in opposition on behalf of the Kingsville Civic Association. He indicated their concerns included the proposed lighting of the driving range and its adverse effect on the adjoining property owners. He further indicated that if lighting was permitted, the community strongly felt the lights should be extinguished by 9:00 PM. Testimony further indicated that the neighbors were in favor of the revisions set forth in the site plan marked Petitioner's Exhibit 5 which moves the property line 100 feet off of Raphael Road in contrast to the original proposal. He further indicated that the neighbors would like to see the proposed use a minimum of 300 feet away from the street, if at all possible. The Association is further desirous of having the parking lot locked after hours to prevent loitering which would be detrimental to the neighborhood. The community's concerns also dealt with Petitioners' compliance with requirements regarding proper watering and fertilizing of the property to insure no adverse affect upon neighboring streams. Mr. Holt concluded by saying the community was in favor of the proposed golf course in principle as they see it as a benefit to the community; however, they believe restrictions should be imposed to address their concerns.

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of December, 1988 that the Petition for Special Exception for a golf course in an R.C. 5 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall comply with all requirements of the Zoning Plans Advisory Committee as set forth in their comments submitted hereto, including, but not limited to those submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated October 3, 1988 and the Office of Planning dated November 29, 1988.

3) CRG approval of this project is required without a waiver.

4) Petitioners shall landscape the property at a minimum as set forth in Petitioner's Exhibits 5 and 6. Further, Petitioners shall provide additional landscaping, as may be deemed appropriate by the Land-Use Planner in the Office of Current Planning, to buffer the property along Raphael Road, including, but not limited to, the parking areas.

5) Petitioners shall provide the low-profile, cut-off lighting fixtures as depicted in Petitioner's Exhibit 6 for the parking lot and shall take whatever steps necessary to insure the lighting does not reflect onto adjoining residential properties.

6) Light fixtures shall not exceed 12 feet in height unless approved for higher by CRG. However, in no event shall the height exceed 15 feet.

7) There shall be no lighting for the driving range unless hereinafter modified after a Special Hearing.

8) The hours of operation shall not exceed 6:00 AM to 9:00 PM.

9) The golf course and ancillary uses shall be used only between April 1 and October 31, of any given year unless modified after a Special Hearing.

10) The area designated as existing woods on Petitioner's Exhibit 5 shall remain open and undeveloped unless modified by a special hearing.

11) Petitioners shall take whatever steps necessary to insure that the entrance to the property is locked each evening by 9:30 PM.

12) Prior to the issuance of any permits, Petitioners shall submit the site plan approved by CRG. If there are changes as to placement of individual golf holes, or the driving range, the plan will be approved by the Zoning Commissioner and/or Deputy Zoning Commissioner if found to be within the spirit and intent of the original plan.

13) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
410/336-8888 887-3353  
J. Robert Haines  
Zoning Commissioner

December 16, 1988

Howard L. Alderman, Jr., Esquire  
305 W. Chesapeake Avenue, Suite 113  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION  
E/S Raphael Road, 275' N of Mt. Vista Road  
11th Election District - 5th Councilmanic District  
James F. Stadler, et al - Petitioners  
Case No. 89-190-X

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: Mr. Kenneth Holt  
President, Greater Kingsville Civic Association  
c/o P.O. Box 221, Kingsville, Md. 21087

Mr. Kevin Lindsey  
11022 Raphael Road, Upper Falls, Md. 21156

Ms. Charlotte Pine  
607 Baltimore Avenue, Towson, Md. 21204

People's Counsel

File

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below. However, as indicated at the hearing, it is felt that Petitioners have not submitted sufficient evidence to support its request for a lighted driving range. In the opinion of the Deputy Zoning Commissioner, the testimony presented was insufficient to make a proper determination as to whether or not it would have an adverse affect upon neighboring properties. Due to Petitioners not having detailed plans regarding what type of lighting they propose, the height, location, and extent of lighting, a proper determination cannot be made at this time.

#### PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-190-X

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a golf course in an R.C.5 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

JAMES F. STADLER

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Howard L. Alderman, Jr.

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Spellman, Larson & Assoc., Inc. and Representative

10844 CHESAPEAKE AVE., SUITE 107

TOWSON, MD 21204 823-3535

Address

Attorney's Telephone No. 371-6666

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of September, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of November, 1988, at 9:30 o'clock A.M.

J. Robert Haines

Zoning Commissioner of Baltimore County.



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING  
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING  
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

Peter Max Zimmerman  
Peter Max Zimmerman

District 11/24 Date of Posting 11/12/87  
 Posted for: Special Excavation  
 Petitioner: James F. & Paul J. Stedler  
 Location of property: E/S Rachel Rd., 322' N/M.T. Vls to Rd.  
 Location of Signs: Facing Rachel Rd., at intersection of M.T. Vls. &  
aprox. 6' E. from survey on property of R. H. Horton  
 Remarks:  
 Posted by: W. H. H. H. Date of return: 11/14/87  
 Signature  
 Number of Signs: 1

PO 05763  
req M20393  
case 84-190-X  
price \$69.00

**NOTICE OF MEETING**

The zoning Commission of Baltimore County, by authority of the Board of Commissioners of Baltimore County and Regulators of Baltimore County, is hereby giving public hearing on the proposed rezoning of the following property in the County Office Building, 1100 North Howard Street, Room 205 in Towson, Maryland as to:

**Petition for Special Exception**  
Case Number: 89-190  
1100 North Howard Street, 205  
Mt. Vista Road  
1100 North Howard Street  
SE Concomitance  
Baltimore County, Maryland

James P. & Mary J. Stauder  
Homes, Inc.  
Towson, Maryland

**Special Exception:** A go-  
down building, 10,000  
sq. ft. phase 1 of the "INDU-  
STRY PLAN IS IN THE  
FUTURE DATE OF THE  
MAY BE RESCHEDULED CALL  
FOR A CONSIDERATION  
IN THE event that the Petition is  
granted, the rezoning of the  
issued within the thirty (30) day  
any request for a stay of the  
decision will, however, another  
petition for a stay of the is-  
sued of said period prior to the  
Such request shall be in the  
and received in this office by the  
for the rezoning as above or  
presented at the hearing.

**J. ROBERT HAINES**  
Zoning Commissioner

11/27/78 Nov. 27, 1978

\*NOTE:  
IF PHASE II OF THE SNOW  
EMERGENCY PLAN IS IN EFFECT  
IN BALTIMORE COUNTY BY 8:30  
a.m. ON THE DATE OF THE ABOVE  
HEARING, SUCH HEARING WILL  
BE POSTPONED AND TENTATIVELY  
RESCHEDULED FOR THURSDAY,  
DECEMBER 22, 1988. PLEASE  
TELEPHONE DOCKET CLERK AT  
494-1391 TO CONFIRM DATE.

The construction of the golf course would also be an enhancement to the community and an enrichment to the surrounding properties.

NAME

1. Juanita Rutkowski
2. William Rutkowski
3. Margaret E. Rutkowski
4. Virginia Milcox
5. Clarence Belmont
6. Mary E. Milcox
7. Carl A. Stephens
8. Mary Little
9. Fred & Betty Williams
10. Jimmy & Nancy Little
11. Tom & Lu Little
12. Sharon Little
13. Steve Williams
14. Randy Spoor

ADDRESS

11311 Raphael Rd. Ripper Falls, Md.  
11314 Raphael Rd.  
11309 Raphael Rd.  
7813 Braddock Rd. Upper Falls, Md.  
P.O. Box 246  
Upper Falls, Md. 21118  
P.O. Box 14  
Ripper Falls, Md. 21156  
7913 Braddock Rd. Upper Falls, Md. 21156  
105 Albion Rd. Balto., Md. 21221  
1 Osgeood Drive #21220  
7916 Shirley Ave  
12 Center Section Ct 21220  
1408 Spar Dr. Kingsville, Md. 21087  
1 Osgeood Drive #12220  
2041 Mice Ave. 21341

Mary Frances Schipper  
 Cedar Crest  
 Grace M. Bangi  
 Regina B. Schipper  
 Grand B. Schipper  
 Thomas R. Kellie  
 Jimmy J. Kellie  
 Mary Jane Kellie  
 Cecilia Kellie  
 Mark E. Bowman  
 Charles J. Bowman  
 Melissa Gyp  
 J. M. G. Gyp  
 John J. Kumbel  
 Kim Kipp  
 Grand B. Schipper  
 100  
 Carroll Robinson

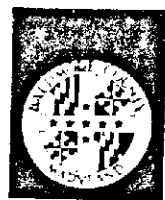
**PETITIONER**  
**EXHIBIT** 2B



Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

October 28, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204



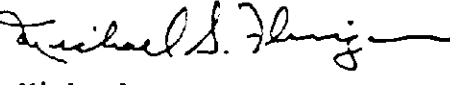
Dennis F. Rasmussen  
County Executive

Item No. 103  
Property Owner: -ZAC- Meeting of September 27, 1988  
Location: James F. Stadler & Paul J. Stadler  
E/S of Raphael Rd., 275' N. of  
Mt. Vista Road.  
Existing Zoning: R.C. - 5  
Proposed Zoning: Special Exception for a golf course  
in an R.C. - 5 zone.

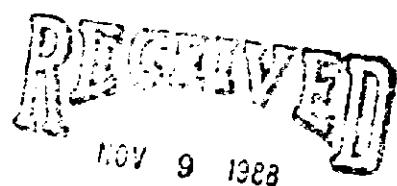
Area: 110,000 acres  
District: 11th Election District

Dear Mr. Haines:

The proposed special exception for a golf course can be expected to generate approximately 1,000 additional trips on Raphael Road.

Very truly yours,  
  
Michael S. Flanigan  
Engineering Associate

MSF/lvw

  
OCT 9 1988  
ZONING OFFICE



Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

September 28, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Re: Property Owner: James F. Stadler & Paul J. Stadler  
Location: E/S Raphael Rd., 275' N. of Mt. Vista Road

Item No.: 103 Zoning Agenda: Meeting of 9/27/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]*  
Planning Group  
Special Inspection Division

Noted and

Approved: *[Signature]*  
Fire Prevention Bureau

/s/



Dennis F. Rasmussen  
County Executive

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT

10-3-88  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item #103, Zoning Advisory Committee Meeting of 9-27-88

Property Owner: *[Signature]* District 11

Location: *[Signature]* Sewage Disposal *[Signature]*

Water Supply \_\_\_\_\_

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- (X) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_, conducted.
  - ( ) The results are valid until \_\_\_\_\_.
  - ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- (X) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until \_\_\_\_\_. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- (X) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (X) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- (X) Others: *[Signature]*  
*[Signature]*  
*[Signature]*

*[Signature]*  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

June 3, 1988

Mr. Joseph L. Larson  
Vice President  
Spellman, Larson & Associates, Inc.  
105 W. Chesapeake Avenue, Suite 107  
Towson, Maryland 21204

RE: Rutkowski Property (Stadler Property)  
Raphael Road  
Job No. 88007  
11th Election District

Dear Mr. Larson:

Reference is made to your letter dated May 9, 1988 requesting advise as to whether or not an 18 hole executive golf course would be permitted under the Special Exception uses of the R.C.5 zone.

Please be advised that the R.C.5 zone lists golf courses, country clubs, or similar outdoor recreation clubs as Special Exception uses. Also, the Definitions Section of the Baltimore County Zoning Regulations (B.C.Z.R.) defines a country club as "a 9 or 18 hole golf course with a club house and other appropriate facilities which may include other recreational facilities."

Notwithstanding this definition, I am aware of one other zoning petition concerning a 9 hole golf course with a driving range and learning school that was denied by the previous Zoning Commissioner at not meeting the tests of a golf course. I am enclosing pertinent portions of that particular petition for your review and edification.

Based upon the fact that your client's plans include 18 holes, a driving range, and a club house, it would appear that the executive design of the course would qualify as a golf course listed under the use regulations as well as the definition. However, I am sure the Zoning Commissioner will give consideration to this matter at the time of the hearing.



Dennis F. Rasmussen  
County Executive

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED ZONING OFFICE  
DATE: 11/28/88

J. Robert Haines  
TO: Zoning Commissioner

Date: November 28, 1988

Pat Keller, Deputy Director PK/s

FROM: Office of Planning and Zoning

SUBJECT: Zoning Petition No. 89-190-X (Stadler)

The applicant is requesting a special exception to establish a golf course and driving range on a parcel of land zoned R.C.5. In reference to this request, staff provides the following information:

- The applicant is proposing the construction of an 18 hole golf course, with a 300' by 1000' driving range, a putting green and a 40' by 60' club house. The golf course will be located on the portion of the tract that lies east of Raphael Road and west of the transmission right-of-way that bisects the tract. The existing woods that lie to the east of the right-of-way and small clusters to the west of the right-of-way will be preserved.
- The perimeter of the site along Raphael Road, and the north and south property lines is proposed to be screened. The parking lot and area will hold approximately 204 cars (189 are required).
- The applicant will be required to obtain CRG approval for this project.
- The applicant has met with the community association and neighbors to discuss this project.

Based upon the analysis conducted and information provided, staff recommends approval of the applicant's request subject to the conditions noted:

- A landscape plan shall be reviewed and approved by the County Landscape Planner to address the issues of: 1) adequate screening of driving range from adjacent property; 2) adequate street planting along Raphael Road; 3) adequate screening of the golf course from the property owner to the south; and 4) adequate parking lot and building landscaping.
- The buffer dimensions as shown on the applicant's site plan shall be met to the greatest extent possible at the CRG. The parking lot and driving range should be moved eastward a minimum of 50' from ultimate ROW to permit a landscape screening that protects the residents on Raphael Road.
- The applicant should consider participation in a woodland preservation program to maintain and preserve existing woods on the tract as well as future tree planting.

Mr. Joseph L. Larson  
Raphael Road  
June 3, 1988  
Page 2

If I can be of any further assistance in this matter, please do not hesitate to contact me at 494-3390.

Very truly yours,

*[Signature]*  
JAMES E. DYER  
Zoning Supervisor

JED:cer

Enclosures

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 16, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Howard L. Alderman, Jr., Esquire  
Suite 113  
305 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Item No. 103 - Case No. 89-190-X  
Petitioner: James F. Stadler, et al  
Petition for Special Exception

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*[Signature]*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

cc: Spellman, Larson & Associates, Inc.  
Suite 107  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

No. 89-190-X  
Stadler

Page Two

- The parking lot layout should include internal landscape areas. The materials and design of the club house should blend in with the rural character of the community. The club house design and parking lot layout should be reviewed and approved by the Office of Planning and Zoning prior to submittal for CRG.

- The lighting shall be limited to the driving range and should be designed and regulated in a manner that will minimize impact upon adjoining neighbors.

- Accessory structures for machine storage or ancillary uses should be noted on the plan if contemplated.

- All uses for the proposed club house should be stipulated and enumerated, e.g., pro shop, cart rental, etc.

PK/sf

LAW OFFICES  
LEVIN, GANN & HANKIN

305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
301-321-0600  
FAX 301-296-2801

October 4, 1988

J. Robert Haines, Zoning Commissioner  
Baltimore County Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Special Exception for Golf Course in RC-5 Zone  
Item No. 103  
Petitioners: Stadler

Dear Commissioner Haines:

On behalf of our clients, James and Paul Stadler, please consider this request for an expedited hearing for the Petition filed and known as Item No. 103. This hearing is for a Special Exception for a golf course in a RC-5 zone.

Our clients need to move ahead with this proposed golf course as quickly as possible. I have advised them that, before they retain the services of a golf professional and a golf course design expert, the hearing on the Special Exception should be held. To enable Spring construction of this golf course, we will need to have the design begun very shortly. Therefore, we respectfully request that the hearing on this matter be scheduled as quickly as possible.

Should you have any questions or need additional information, please contact me.

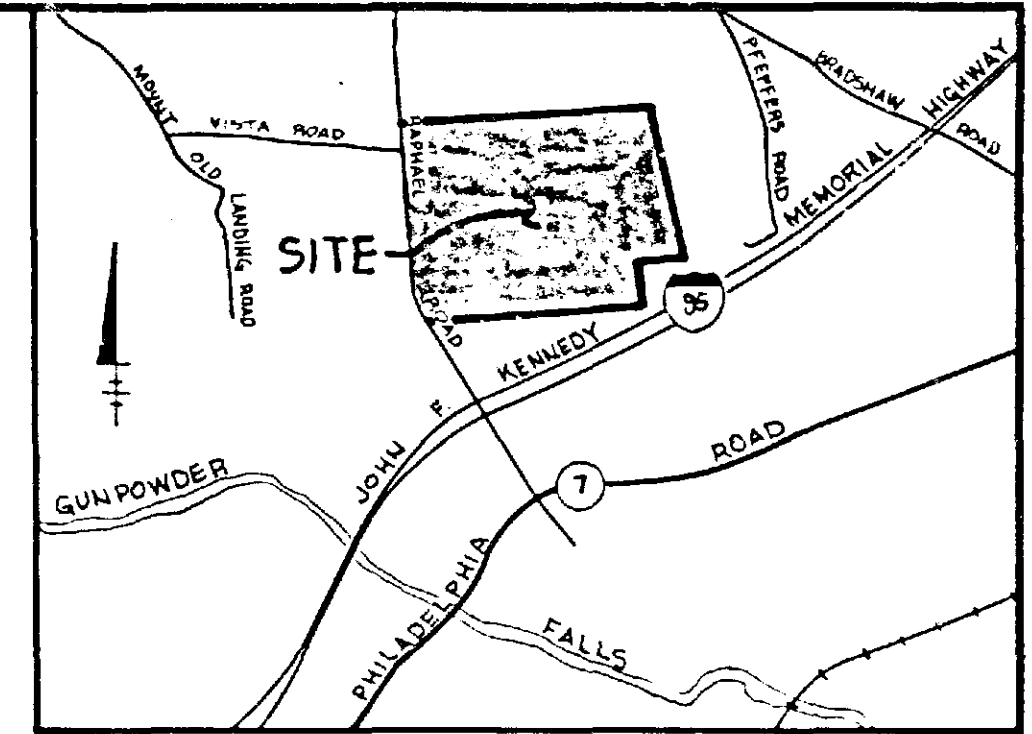
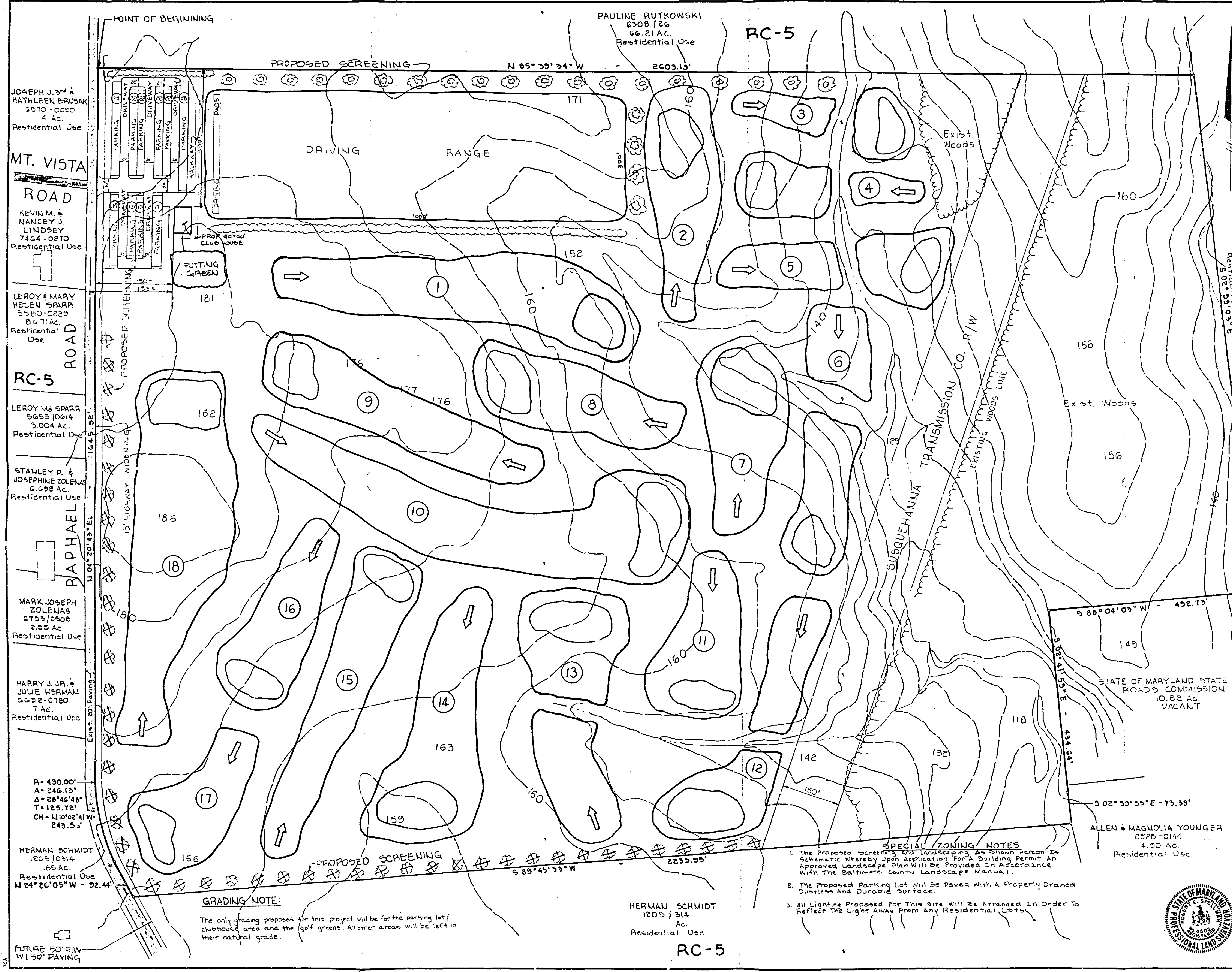
Very truly yours,

*[Signature]*  
Howard L. Alderman, Jr.  
Howard L. Alderman, Jr.

HLA/fl

cc: James and Paul Stadler





LOCATION MAP  
SCALE: 1"=2000'  
GENERAL NOTES

- AREA OF TRACT = 110.00 AC. ±
- EXISTING ZONING = RC-5
- PROPOSED ZONING = RC-5 WITH A SPECIAL EXCEPTION FOR A GOLF COURSE
- UTILITIES = PROPOSED PRIVATE WELL AND PRIVATE SEWAGE DISPOSAL SYSTEM
- PARKING SCHEDULE =  
GOLF COURSE = PARKING REQUIRED = 8 SPACES/HOLE  
18 HOLES x 8 SPACES = 144 SPACES  
DRIVING RANGE = 1.5 SPACES/TEE  
30 TEES x 1.5 = 45 SPACES
- TOTAL SPACES REQUIRED = 189 SPACES  
TOTAL SPACES PROPOSED = 204 SPACES
- OWNERS: JAMES AND PAUL STADLER, OWNERS DO NOT OWN ANY ADJACENT LAND.
- CLUBHOUSE BUILDING WILL BE NO HIGHER THEN 35'.

RC-5

PETITIONER'S EXHIBIT 1

REVISIONS		
NO	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.  
CIVIL ENGINEERS AND LAND SURVEYORS  
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204  
PHONE 823-3535

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION  
#103

STADLER PROPERTY  
RAPHAEL ROAD

Election District 11 Baltimore County, MD.  
SCALE: 1"=100' DES. BY: J.L. SHT. 1 OF 1  
DATE: JUNE 30, 1988 DRN. BY: M.E.



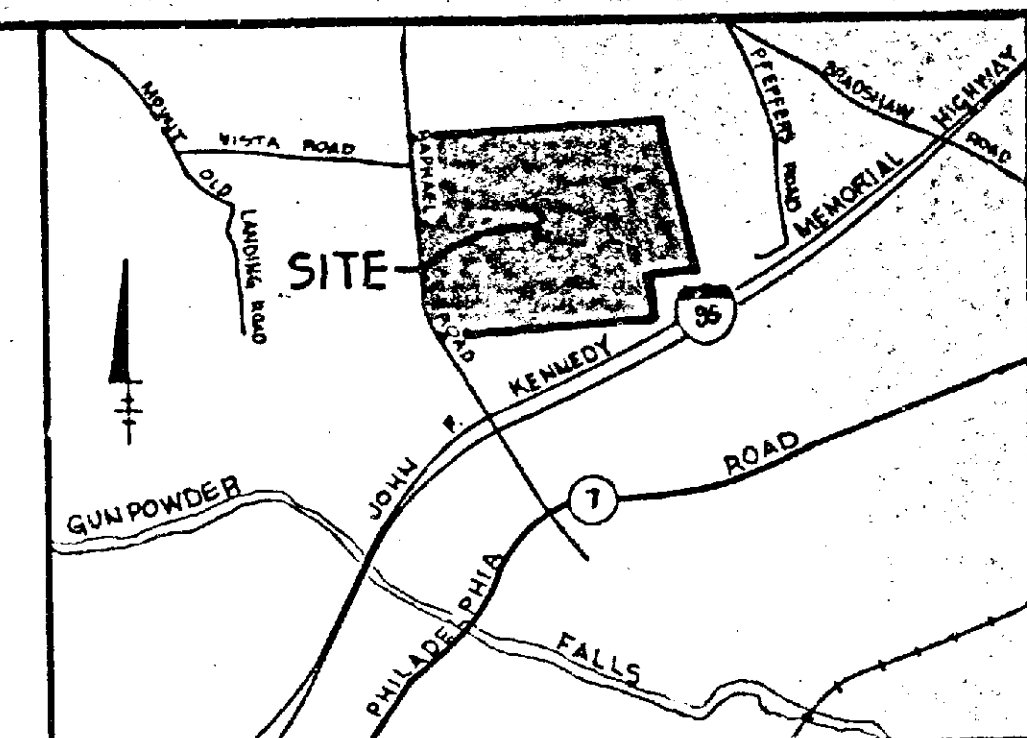
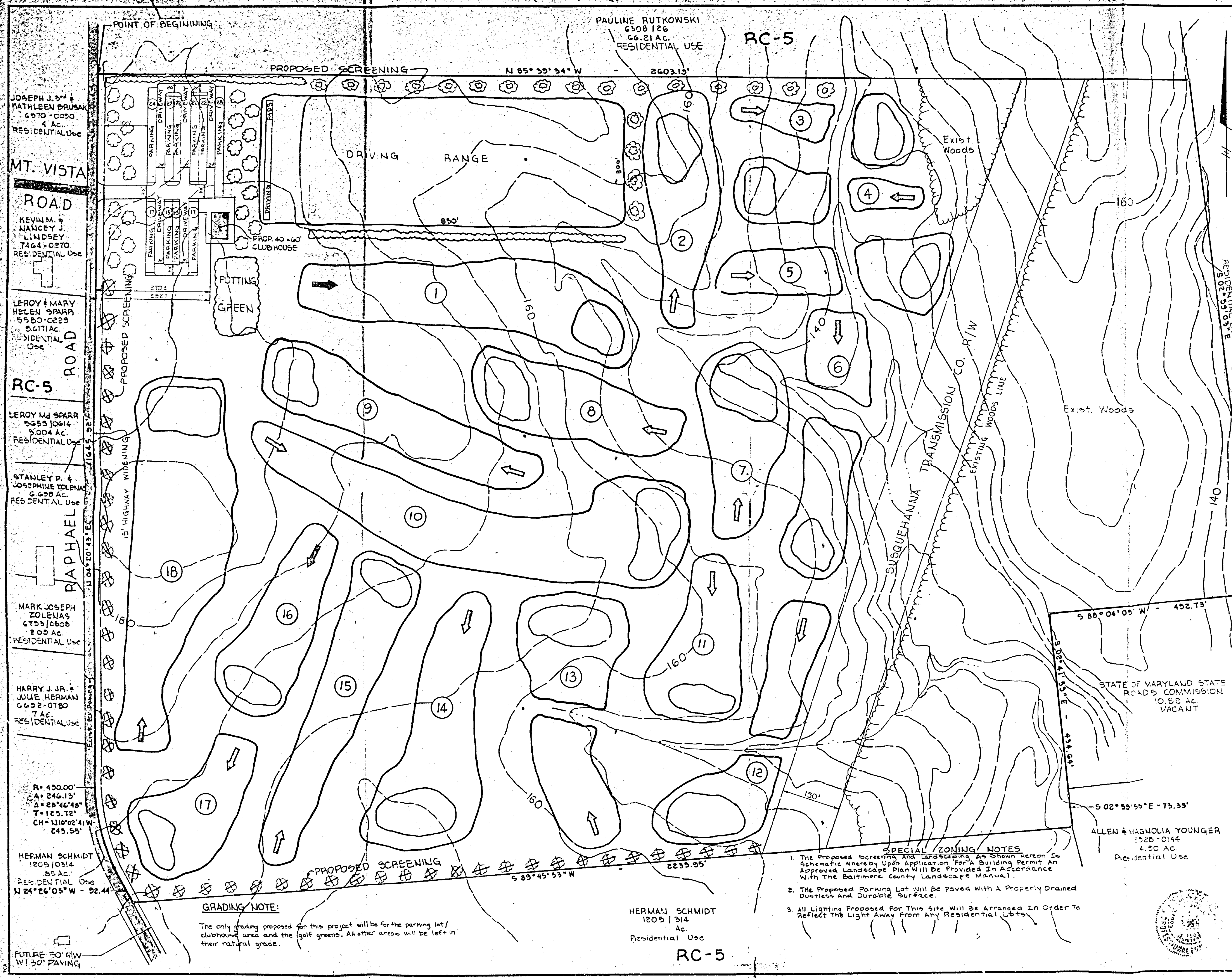
- SPECIAL ZONING NOTES
- The Proposed Screening and Landscaping as Shown herein is Schematic Whereby Upon Application For A Building Permit An Approved Landscape Plan Will Be Provided in Accordance With The Baltimore County Landscape Manual.
  - The Proposed Parking Lot Will Be Paved With A Properly Drained Dustless And Durable Surface.
  - All Lighting Proposed For This Site Will Be Arranged In Order To Reflect The Light Away From Any Residential Lots.

HERMAN SCHMIDT  
1205 / 314  
Ac.  
Residential Use

RC-5

GRADING NOTE:  
The only grading proposed for this project will be for the parking lot/ clubhouse area and the golf greens. All other areas will be left in their natural grade.





LOCATION MAP

SCALE 1"=2000'

GENERAL NOTES

- AREA OF TRACT = 110.00 Ac. ±
- EXISTING ZONING = RC-5
- PROPOSED ZONING = RC-5 WITH A SPECIAL EXCEPTION FOR A GOLF COURSE
- UTILITIES = PROPOSED PRIVATE WELL AND PRIVATE SEWAGE DISPOSAL SYSTEM
- PARKING SCHEDULE = PARKING REQUIRED = 8 SPACES/HOLE  
18 HOLES = 144 SPACES  
DRIVING RANGE = 15 SPACES/TEE  
30 TEES = 45 SPACES
- TOTAL SPACES REQUIRED = 189 SPACES  
TOTAL SPACES PROPOSED = 204 SPACES
- OWNERS: JAMES AND PAUL STADLER, OWNERS DO NOT OWN ANY ADJACENT LAND.
- CLUBHOUSE BUILDING WILL BE NO HIGHER THEN 35'.

RC-5

PETITIONER'S EXHIBIT 5

REVISIONS		
NO	DATE	DESCRIPTION
1	11/21/88	RELOCATE PARKING AREA & DRIVING RANGE

**SPELLMAN, LARSON & ASSOCIATES, INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
SUITE 107, JEFFERSON BLDG, TOWSON, MD., 21204  
PHONE: 823-3535

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION

**STADLER PROPERTY RAPHAEL ROAD**

Election District II Baltimore County, MD.  
SCALE: 1"=100' DES. BY: J.L.  
DATE: JUL 30, 1988 DRN. BY: J.B. SHEET 1 OF 1

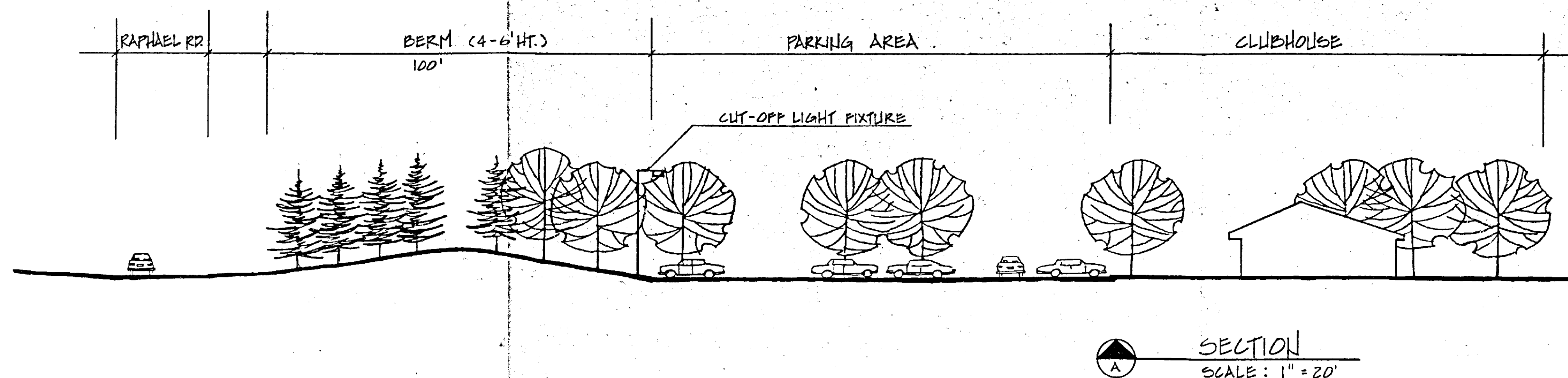
- SPECIAL ZONING NOTES**
- The Proposed Screening And Landscaping As Shown Herein Is Schematic Whereby Upon Application For A Building Permit An Approved Landscape Plan Will Be Provided In Accordance With The Baltimore County Landscape Manual.
  - The Proposed Parking Lot Will Be Paved With A Properly Drained Dustless And Durable Surface.
  - All Lighting Proposed For This Site Will Be Arranged In Order To Reflect The Light Away From Any Residential Lots.

HERMAN SCHMIDT  
1205 / 314  
Ac.  
Residential Use

RC-5

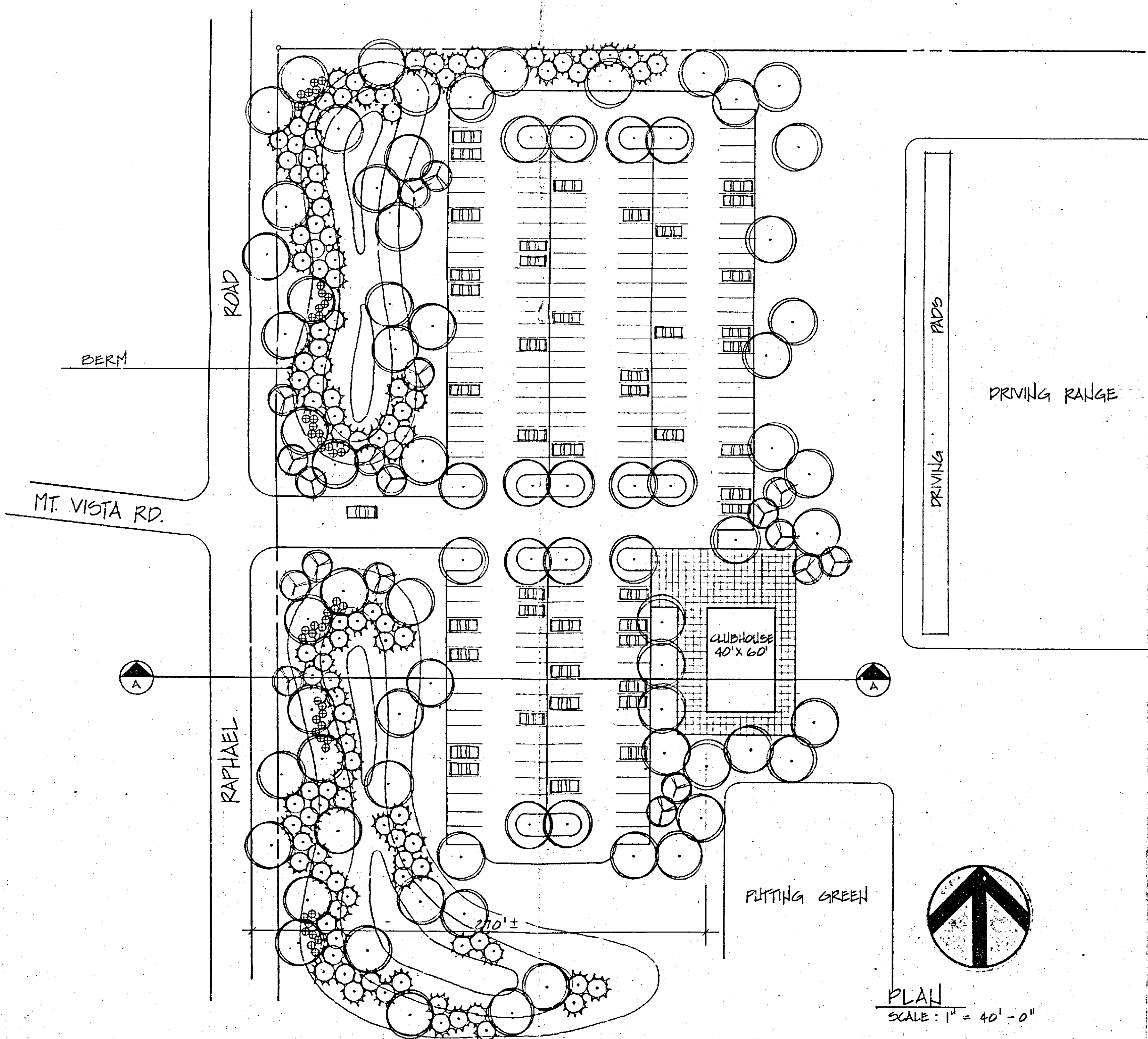
**GRADING NOTE:**  
The only grading proposed for this project will be for the parking lot/ clubhouse area and the golf greens. All other areas will be left in their natural grade.





# PLANT LIST :

KEY	NAME
	DECIDUOUS TREE RED MAPLE PIN OAK LONDON PLANETREE
	FLOWERING TREE YOSHINO CHERRY REDSPIRE PEAR DOGWOOD
	EVERGREEN TREE WHITE PINE NORWAY SPRUCE
	SHRUB FORSYTHIA



Series

78



VM (Mercury Vapor) 175, 250 watt  
V5 (High Pressure Sodium) 100,  
150, 250 watt  
VH (Mercury Vapor) 175, 250 watt

Series 78 is a lighting system carefully designed to maximize illumination efficiency where stringent control of glare and spill light is important. Clean simple lines and excellent lighting characteristics give this fixture unlimited range of applications.

**SPECIFICATION FEATURES**

WEATHERPROOF one-piece extruded aluminum side panel with mitered corners and fully sealed aluminum sheet top.

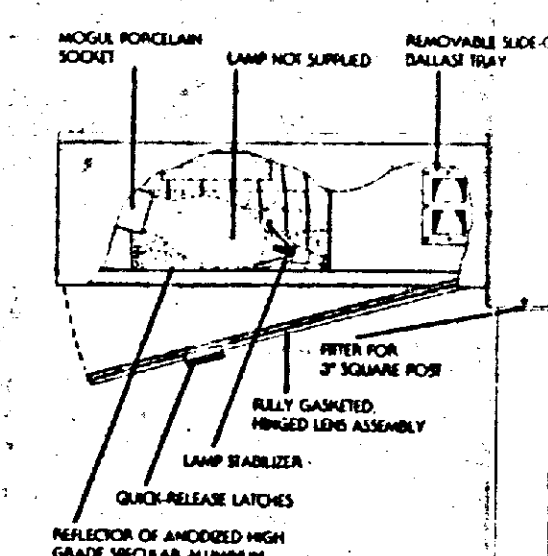
FULLY GASKETED extruded aluminum lens frame assembly equipped with two release latches for access without tools to optical chamber, ballast and wiring compartment. Lens is impact and shock resistant tempered glass.

REMOVABLE ballast is mounted on slide-out tray for easy maintenance.

ALL ELECTRICAL COMPONENTS shall be UL approved and be an integral part of the fixture. The fixture will bear the listing mark of Underwriters Laboratories. Fixtures suitable for use in wet locations. Socket will be glazed porcelain mogul base, nickel-plated screw shell with spring loaded center contact. All ballasts are regulating with power factor better than 0.90 (HPF). Ballasts shall provide  $\pm 5\%$  lamp power regulation and  $\pm 10\%$  input voltage regulation.

LONG LIFE CRAFTCOAT thermoset polyurethane powder coat finish. Refer to inside front cover for specification details.

3 YEAR LIMITED WARRANTY



TYPICAL CUT-OFF LIGHT FIXTURE

**HUMAN & ROHDE, INC.**  
Landscape Architects  
110 E. Pennsylvania Avenue  
Towson, Maryland 21204  
(301) 825-3885

REVISIONS		
NO.	DATE	DESCRIPTION

**SPELLMAN, LARSON & ASSOCIATES, INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204  
PHONE: 823-3535

**SCHEMATIC PLANTING PLAN**  
STADLER PROPERTY  
RAPHAEL ROAD  
BALTIMORE COUNTY, MD.

DATE: 11-28-88

SCALE: AS NOTED	DES. BY:	SHT. 1 OF 1
DATE:	DRN. BY:	



DUPLICATE

BALTIMORE COUNTY, MARYLAND  
Inter-Office Memorandum

DATE: June 11, 1990

TO: Robert R. Staab, Director  
Department of Recreation and Parks

FROM: J. Robert Haines  
Zoning Commissioner

SUBJECT: James F. Stadler, et al, Petitioners  
(Kingsville Executive Course)

As a follow up to our discussion, in the Executive Office last week, concerning a new golf course in Baltimore County, I have attached to this memorandum a copy of the Order of the Deputy Zoning Commissioner, Ann Nastarowicz, for the Kingsville Executive Course. The case was not appealed and, therefore, her opinion is controlling. Also attached is a copy of the Special Exception Site Plan.

I do not have any information regarding the time table for completion of this course, although I understand that the CRG approval of this golf course is close at hand.

If you have any questions regarding same, please feel free to contact me.

JRH:mmm  
att.

IN RE: PETITION FOR SPECIAL EXCEPTION  
E/S Raphael Road, 275' N of  
Mt. Vista Road  
11th Election District  
5th Councilmanic District

James F. Stadler, et al  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 89-190-X

ORDER

WHEREAS, Counsel for Petitioners has requested an extension of the time period for utilizing the special exception granted on December 16, 1988 in the above-captioned matter;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of November, 1990 that a Petition for Special Hearing be filed to determine the appropriateness of extending said special exception, pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.); and,

IT IS FURTHER ORDERED that within fifteen (15) days of the date of this Order, Petitioners shall file a Petition for Special Hearing requesting an extension of the special exception previously granted and/or, in the alternative, a determination that said special exception has been utilized; and,

IT IS FURTHER ORDERED that public notice of the hearing be given by advertising the special hearing and posting the property at Petitioners' expense; and,

IT IS FURTHER ORDERED that the time period for utilizing the special exception granted in the above-captioned matter be and is hereby extended on an interim basis from December 16, 1990 through February 28,

ORDER RECEIVED FOR FILING  
Date 11/13/90  
By [Signature]

1991 for purposes of allowing the Petitioner to proceed with filing the Petition for Special Hearing on its requested relief, subject, however, to the following restriction:

- 1) The Petitioner shall not commence construction of the project on the property on the basis of the special exception after December 15, 1990 unless and until it receives an Order approving the further extension of time to utilize the special exception pursuant to the special hearing requested by Petitioner.

ANN:bjs  
cc: Howard L. Alderman, Jr., Esquire  
305 W. Chesapeake Avenue, Towson, Md. 21204

People's Counsel  
File

Ann M. Nastarowicz  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 11/13/90  
By [Signature]

- 2 -

BALTIMORE OFFICE  
MERCANTILE BANK & TRUST BUILDING  
2 HOPKINS PLAZA  
9TH FLOOR  
BALTIMORE, MARYLAND 21201  
301-539-3700  
TELECOM 301-425-9050

LAW OFFICES  
LEVIN & GANN  
A PROFESSIONAL ASSOCIATION  
305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
301-321-0600  
FAX 301-296-2801

ELLIS LEVIN 0893-0900  
CARROLL COUNTY OFFICE  
147 LIBERTY ROAD  
STEENTOWN, MD 20784

HOWARD L. ALDERMAN, JR.

November 1, 1990

HAND-DELIVERED

Ann M. Nastarowicz, Esquire  
Deputy Zoning Commissioner for Baltimore County  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: James F. Stadler et al  
Case No. 89-190-X  
Extension of Special Exception

Dear Commissioner Nastarowicz:

On December 16, 1988 you granted a Petition for Special Exception for a golf course and accessory facilities in a R.C. 5 zone, subject to conditions contained in your Order of even date. Pursuant to enumerated condition 2, Petitioners have been diligently seeking CRG approval of the project.

As you may be aware, the Department of Environmental Protection and Resource Management has intensified the levels of review for golf course projects. Additionally, new requirements for wetland and stream protection and forest buffer encroachment have been enacted since the date of your Order.

I am pleased to report that on Thursday, October 25, 1990, the CRG took final approval action on this project. Two members of the community, not connected with the project, were in attendance and echoed the community's support for the course.

We must now submit revised CRG plans which are consistent with the County comments which form the basis of CRG approval. After submission of the plans, we must await compliance review and, finally, signature. It is anticipated that this process will take six to eight weeks.

After the CRG plans have been signed, an approved copy will be submitted to you, together with supporting documentation, in accordance with enumerated condition 12 of your Order.

RECEIVED  
NOV 1 1990  
ZONING OFFICE

LEVIN & GANN, P.A.

Ann M. Nastarowicz, Esquire  
Page 2  
November 1, 1990

Based on previous delays in obtaining County review and approval of the CRG plan, and the anticipated delay in obtaining a signed plan, we are seeking an extension of the previously granted Special Exception. This request is made in accordance with Section 502.3 of the Baltimore County Zoning Regulations. The owners will continue to pursue all necessary County approvals so that course construction can commence in early 1991.

Please call me if I can provide any additional information that you may require in connection with this requested extension.

Very truly yours,

Howard L. Alderman, Jr.

HLAJr/lc

cc: Mr. James Stadler

BALTIMORE OFFICE  
MERCANTILE BANK & TRUST BUILDING  
2 HOPKINS PLAZA  
9TH FLOOR  
BALTIMORE, MARYLAND 21201  
301-539-3700  
TELECOM 301-425-9050

LAW OFFICES  
LEVIN & GANN  
A PROFESSIONAL ASSOCIATION  
305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
301-321-0600  
FAX 301-296-2801

ELLIS LEVIN 0893-0900  
CARROLL COUNTY OFFICE  
147 LIBERTY ROAD  
STEENTOWN, MD 20784

HOWARD L. ALDERMAN, JR.

November 8, 1990

HAND-DELIVERED

Ann M. Nastarowicz, Esquire  
Deputy Zoning Commissioner for Baltimore County  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Mt. Vista Greens Golf Course  
Case No. 89-190-X  
Approved CRG Plan

Dear Ms. Nastarowicz:

I enclose herewith a total of 5 sheets which form the Mount Vista Greens Golf Course Development Plan on which the County Review Group took final approval action on October 25, 1990. This CRG plan is being submitted for your review in accordance with your Order of December 16, 1988, granting the necessary Special Exception for this course in the above-referenced case.

I have described below the minor modifications made to the approved Zoning plans to satisfy the Public Works and Environmental agencies of the County. It is our evaluation that the approved CRG plan is fully within the spirit and intent of your previous Order and the zoning plans upon which said Order was based.

1. Parking area was reconfigured and the club house relocated due to existence of wetlands. Both the required parking and the proposed parking were reduced from that which was previously approved.
2. The Driving Range was reduced from 30 to 27 tees, thereby reducing the required parking.
3. The Putting Green was relocated to allow for the parking reconfiguration.
4. The following tees and associated greens were reconfigured to provide necessary stream buffers:
  - a. Hole No. 1 - shortened and dogleg added.

RECEIVED  
NOV 8 1990  
ZONING OFFICE

LEVIN & GANN, P.A.

Ann M. Nastarowicz, Esquire  
Page 2  
November 8, 1990

- a. Hole No. 2 - relocated with play across stream. Note that play areas and cart crossing have been approved by DEPRM.
- b. Hole No. 3 - lengthened to permit play across stream; green area reduced in size and shifted into presently wooded area. Note that play area and cart crossing have been approved by DEPRM.
- c. Hole No. 4 - relocated and reconfigured, with green area reduced in size with tee area shifted into presently wooded area.
- d. Hole No. 5 - relocated and reconfigured to provide stream buffer, and Pond #3 which will be receiving a portion of the surface water on-site and which will be used for limited irrigation of the tees and greens.
- e. Hole No. 6 - relocated and shortened.
- f. Hole No. 7 - shifted to approximate location of former Hole No. 8 and slightly reconfigured.
- g. Hole No. 8 - shifted to previously approved location of Hole No. 9.
- h. Hole No. 9 - occupies portion of previously approved Hole No. 10.
- i. Hole No. 10 - reduced in length from the previously approved Hole No. 10.
- j. Hole No. 11 - no change.
- k. Hole No. 12 - Modified to allow for construction of Pond #2 which will receive a portion of the surface water on-site and which will be used for limited irrigation of the tees and greens.
- l. Hole No. 13 - modified to remove delineation of non-existent stream.
- m. Hole Nos. 14-18 - no change. Note the addition of Pond #1 which will function as Ponds #2 and #3 described above.

Pursuant to your Order, and the concerns of a single

LEVIN & GANN, P.A.

Nastarowicz, Esquire  
Page 3  
November 8, 1990

attendee at the zoning hearing, the existing woods on the eastern side of the Susquehanna Transmission Co. ROW have been designated as "THIS AREA NOT TO BE DISTURBED."

Intensive site investigations have been conducted relative to environmental quality and habitat protection. The State Department of Natural Resources, Natural Heritage Program has documented that there are no threatened or endangered species or habitats on this site.

Water sampling of surface water was begun in the Spring of 1990 and will continue for several years. A minimum of one year's data are required before construction of the course, other than the driving range, will begin. Additionally, two monitoring wells have been installed for purposes of ground water quality monitoring, as required by DEPRM.

As represented at the zoning hearing, no ground water will be utilized for irrigation purposes. The three ponds shown will collect surface water for irrigation purposes. This pond system will also trap nutrients and other fertilizers for re-use.

We have met with the Greater Kingsville Civic Improvement Association and received member approval prior to the CRG meeting. In fact, at the continued CRG meeting where this plan was approved, only one citizen spoke, and he voiced support of the residents and Improvement Association.

You will recall that I had delivered to you a letter, dated November 1, 1990 requesting an extension of the previously granted Special Exception. It now appears, based on information recently supplied by my Clients, that such public hearing for extension may be unnecessary.

Pursuant to condition No. 1 of your Order, my Clients have sought sediment control and minor grading plans for the driving range portion of this project. After extensive plan review and the posting of the County required bond, a sediment control permit has been issued. The site modifications necessary for the driving range only are underway. All work and sediment control measures are being monitored by the Department of Environmental Protection and Resource Management. The Wetlands Division of DEPRM, under the direction of Mr. Rocky Powell, have approved all cart crossings, wetland and buffer delineation and the permit recently issued.

It is our contention that the CRG approval, posting of bond, permit issuance and present site work are sufficient to keep the previously approved "Special Exception" from expiring due to non



Ann M. Nastarowicz, Esquire  
Page 4  
November 8, 1990

LEVIN & GANN, P. A.

use. Should your interpretation differ with this position we will have to apply promptly for the Special Hearing.

I should also note that a single-face sign is shown on the CRG plan of 15 square feet. This type and size sign is consistent with the BCZR.

Finally, my Clients have increased the plantings proposed on this site. DEPRM staff were greatly supportive of the proposed plantings and the use of grassed swales for environmental quality considerations. All DEPRM approvals regarding the stream buffers have been obtained.

I believe that the owners/builders of this project have proceeded in good faith through the increasingly complex regulatory approval process. The plans are to start course construction in February or March of 1991. The initial 9 holes of the course and the driving range will be open in 1991 and the full 18 holes in operation by April, 1992.

Please review this letter, together with the approved CRG plan, which is enclosed, and the exhibits in the above-referenced case. We are seeking a determination from you that the entire project as approved by the CRG is within the spirit and intent of the Special Exception previously granted. We are also seeking a determination that due to the issuance of a County permit, posting of the required bond, and driving range construction that there will not be a need to seek an extension of the Special Exception. I will be most happy to meet Len Wasilewski, Zoning Inspector for this area on the site to review the work to date in accordance with the Special Exception.

Please advise me if you need any further information in your review of our request. An extra copy of the enclosed plan was submitted for signature to the Bureau of Public Services and will be forwarded to you for inclusion in the zoning file once it has been stamped and signed by the CRG.

Very truly yours,

*Howard L. Alderman, Jr.*  
Howard L. Alderman, Jr.

HLA/dgh

Enclosure

cc: Mr. James Stadler  
Mr. Joseph Larson

NAST-HLA

BALTIMORE OFFICE  
MERCANTILE BANK & TRUST BUILDING  
2100 EMDEN AVENUE  
4TH FLOOR  
BALTIMORE, MARYLAND 21204  
301-539-3700  
TELECOPIER 301-425-9050

LAW OFFICES  
LEVIN & GANN  
A PROFESSIONAL ASSOCIATION  
305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
301-321-0500  
FAX 301-296-2801

ELLS LEVIN 0993-1990  
CARROLL COUNTY OFFICE  
1437 LIBERTY ROAD  
STEVENSON, MD 20784

HOWARD L. ALDERMAN, JR.

November 19, 1990

RECEIVED  
NOV 20 1990

ZONING OFFICE

HAND-DELIVERED

Ann M. Nastarowicz, Esquire  
Baltimore County Deputy Zoning Commissioner  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Mt. Vista Greens Golf Course  
Utilization of Special Exception  
Case No.: 89-190-X

Dear Commissioner Nastarowicz:

At your request, I enclose herewith a series of eight (8) photographs of the substantial construction which has occurred to date on the Mt. Vista Greens site. Although it is difficult to determine variations in grade from these still photographs, I have attempted to note the area of the elevated driving pad which will contain twenty-seven tees. These photographs were taken on November 18, 1990.

The disturbed areas have been seeded and mulched in accordance with DEPRM requirements. Two large stockpile areas of topsoil are located on-site at the request of DEPRM officials. All required sediment control fences have been installed and are continually maintained.

It is our position that the recently obtained CRG approval, posting of public bond, permit issuance and construction performed to date are, together, sufficient to qualify as substantial construction so as to avoid the lapse of the Special Exception granted in the above-referenced case.

Finally, my letter to you of November 8, 1990 describes in very detailed fashion, even the most incidental modifications made on the CRG plan. I think that a review of the approved CRG plan, together with the previously approved zoning plan will show that no major differences exist between the two plans.

In order to obtain financing for the balance of course construction, the retention of all previous approvals is crucial.

Ann M. Nastarowicz, Esquire  
Page 2  
November 19, 1990

LEVIN & GANN, P. A.

We, therefore, ask for your prompt review of our request to ensure that the previous special exception is valid due to substantial construction and that we can move forward with subsequent approvals based on the CRG plan.

Please call me at your earliest convenience to discuss these matters.

Very truly yours,

*Howard L. Alderman, Jr.*  
Howard L. Alderman, Jr.

HLAjr/lis  
Enclosures

cc: Mr. James Stadler

